
PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2218) TO AMEND THE CHARTER SCHOOL PROGRAM UNDER THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965, AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1892) TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEAR 2012 FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES OF THE UNITED STATES GOVERNMENT, THE COMMUNITY MANAGEMENT ACCOUNT, AND THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM, AND FOR OTHER PURPOSES.

September 7, 2011—Referred to the House Calendar and ordered to be printed.

MS. FOXX, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. __]

The Committee on Rules, having had under consideration House Resolution ____, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2218, the Empowering Parents through Quality Charter Schools Act, under a structured rule. The resolution provides one hour of general debate on H.R. 2218 equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. The resolution waives all points of order against consideration of H.R. 2218. The resolution makes in order the amendment in the nature of a substitute recommended by the Committee Education and the Workforce now printed in the bill as an original bill for purpose of amendment and provides that the amendment shall be considered as read. The resolution waives all points of order against the provisions of H.R. 2218. The resolution further makes in order only

those amendments to H.R. 2218 printed in Part A of this report. The resolution provides that each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in Part A of this report are waived. The resolution provides one motion to recommit H.R. 2218 with or without instructions.

The resolution provides for consideration of H.R. 1892, the Intelligence Authorization Act for Fiscal Year 2012, under a structured rule. The resolution provides for one hour of general debate equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence. The resolution waives all points of order against consideration of H.R. 1892. The resolution makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the Rules Committee Print dated August 31, 2011 and provides that the amendment in the nature of a substitute shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute. The resolution makes in order only those amendments to H.R. 1892 printed in Part B of this report. The resolution provides that each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in Part B of this report. The resolution provides that the chairman of the Permanent Select Committee on Intelligence or his designee may offer amendments en bloc consisting of amendments printed in Part B of this report not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc. The resolution provides for one motion to recommit H.R. 1892 with or without instructions.

Section 3 of the resolution provides that a motion to proceed with regard to a joint resolution of disapproval specified in subsection (a)(1) of section 3101A of title 31, United States Code shall be in order only if offered by the Majority Leader or his designee and may be offered even following the sixth day specified in subsection (c)(3) of such section but not later than the legislative day of September 14, 2011.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against

consideration of H.R. 2218, the Committee is not aware of any points of order against its consideration. The waiver of all points of order against consideration is prophylactic.

Although the resolution waives all points of order against the committee amendment in the nature of a substitute to H.R. 2218, the Committee is not aware of any points of order against the amendment in the nature of a substitute. The waiver of all points of order is prophylactic.

Although the resolution waives all points of order against the amendments printed in Part A of this report, the Committee is not aware of any points of order against the amendments. The waiver of all points of order is prophylactic in nature.

The waiver of all points of order against consideration of H.R. 1892 includes a waiver of clause 3(c)(4) of rule XIII, which requires a statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding.

The waiver of all points of order against the Rules Committee Print of H.R. 1892 dated August 31, 2011 includes:

A waiver of clause 4 of rule XXI, which prohibits a bill or joint resolution carrying an appropriation from being reported by a committee not having jurisdiction to report appropriations. Section 433 of the Rules Committee Print falls within the jurisdiction of the Committee on Appropriations.

A waiver of clause 7 of rule XVI because the Rules Committee Print of H.R. 1892 includes provisions that are not germane to the bill as reported by the Permanent Select Committee on Intelligence.

Although the resolution waives all points of order against the amendments printed in Part B of this report, the Committee is not aware of any points of order. The waiver of all points of order is prophylactic.

It is important to note that the estimate provided by the Congressional Budget Office (CBO) to the Permanent Select Committee on Intelligence and the Committee on the Budget is incomplete due to the fact that CBO is only permitted to score the unclassified portions of the bill. Because the estimate is incomplete, the Chairman of the Committee on the Budget is unable to accurately advise the Chair on budget related points of order.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 126

Motion by Mr. McGovern to amend the rule to H.R. 2218 to make in order and provide the appropriate waivers for amendment #10, offered by Rep. Peters (MI), which would add post-secondary persistence and graduation rates to the criteria used to measure the progress of charter schools. Defeated: 4-6

Majority Members	Vote	Minority Members	Vote
Mr. Sessions.....	Nay	Ms. Slaughter.....	Yea
Ms. Foxx.....	Nay	Mr. McGovern.....	Yea
Mr. Woodall.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Nugent.....	Nay	Mr. Polis.....	Yea
Mr. Webster.....	Nay		
Mr. Dreier, Chairman.....	Nay		

Rules Committee Record Vote No. 127

Motion by Mr. Hastings of Florida to amend the rule to H.R. 2218 to make in order and provide the appropriate waivers for the amendment #7, offered by Rep. Garamendi (CA), which would give priority to eligible entities that plan to use materials made in America for the construction and renovation of school facilities. Defeated: 4-6

Majority Members	Vote	Minority Members	Vote
Mr. Sessions.....	Nay	Ms. Slaughter.....	Yea
Ms. Foxx.....	Nay	Mr. McGovern.....	Yea
Mr. Woodall.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Nugent.....	Nay	Mr. Polis.....	Yea
Mr. Webster.....	Nay		
Mr. Dreier, Chairman.....	Nay		

SUMMARY OF AMENDMENTS IN PART A TO BE MADE IN ORDER

1. Kline, John (MN), Miller, George (CA): Would make technical and clarifying corrections to the bill as reported out of Committee. Would make additional policy changes to improve the Charter School Program, including provisions regarding parent input, annual grants, education for at-risk students, diverse charter school models, transportation needs, high quality applicants, and school lunch participants. (10 minutes)
2. Davis, Susan (CA): Would add to the purpose section of H.R. 2218 the importance of innovation in public education to prepare students to compete in the global economy. (10 minutes)
3. Paulsen (MN), Polis (CO): Would change the duration of Subgrants in the Grant Limitations Section from 5 years to 3 years to allow successful and eligible operating schools replicate and expand faster. The school must demonstrate successful operation data for no less than 3 years. (10 minutes)
4. Luján (NM): Would add to the requirement that applicants include in their application a description of how a charter school program would share best and promising practices between charter schools and other public schools, by including in that description how they would share best practices in instruction and professional development in technology, engineering, and math education where appropriate. (10 minutes)
5. Polis (CO): Would promote innovation and quality in charter schools by adding a priority to states that allow charter school authorizers besides local educational agencies. (10 minutes)
6. Moore, Gwen (WI): Would strike "governor of a state" from the definition of "state entity" on page 20, thus removing Governors' eligibility to apply for federal grant funding to oversee charter school operations in their states. (10 minutes)
7. Holt (NJ): Would encourage the Secretary of Education to include a priority for green school building practices in the application for states to ensure that federal investment in charter school facilities would be energy efficient and environmentally friendly. (10 minutes)
8. King, Steve (IA): Would strike subparagraph (d) of subsection (6) of Sec.(9) which is part of the definition of "high quality charter schools." Would strike the following language: "(D) has demonstrated success in increasing student academic achievement for the subgroups of students described in section 1111(b)(2)(C)(v)(II)."
(10 minutes)

SUMMARY OF AMENDMENTS IN PART B TO BE MADE IN ORDER

1. Rogers, Mike (MI): Would make various modifications and technical corrections including: 1) clarifies the language contained in section 102 that would limit distribution of the classified annex to ensure that the Executive Branch may distribute within the Executive Branch as necessary to implement the budget; 2) strikes section 307 concerning amendments to provisions requiring certain information be provided to Congress prior to transfer of detainees so as to maintain the process in current law; 3) strikes section 309 concerning a requirement that the DNI provide certain State Department documents related to detainees; 4) clarifies that decisions made pursuant to the authority in section 310 may not be delegated to an official below the level of the service acquisition executive for the agency concerned; 5) adds a new section that would permit the President to make temporary appointments to fill vacancies in offices within the Office of the Director of National Intelligence that require Senate confirmation (except the DNI, for whom by Section 103A(a)(6) of the National Security Act of 1947 the Principal Deputy DNI is next in line) with a senior official who serves in another element of the Intelligence Community; and 6) strikes section 421, which requires confirmation of the Director of the National Security Agency. (10 minutes)
2. Wolf (VA): Would create a "Team B" -- a counterterrorism competitive analysis council of outside experts -- to continuously advise the Director of National Intelligence and the Congress on how best to revise plans, operations, concepts, organizations, and capabilities across the intelligence community in response to the evolving threat of terrorism and domestic radicalization. (10 minutes)
3. Hinchey (NY): Would require the Director of National Intelligence (DNI) to report to the House and Senate Intelligence panels on information it has regarding the human rights violations of the military government in Argentina that resulted in 30,000 disappearances between the mid-1970's and mid-1980's. (10 minutes)
4. Cuellar (TX): Would direct each agency that deals with classified documents to report to Congress within 1 year potential security risks associated with the acquisition of computer hardware. The report would include recommendations of what steps need to be taken to ensure computer hardware that is acquired for use with classified documents is not at risk being used to disclose information to outside sources. (10 minutes)
5. Holt (NJ): Would direct the Director of National Intelligence to submit to Congress not more than 180 days after enactment a National Intelligence Estimate on the impact of the recent revolutions in North Africa and the Middle East on the security of the State of Israel. (10 minutes)
6. Hunter (CA): Would require the Director of National Intelligence and the Secretary of Defense to establish a coordinated strategy utilizing all available personnel and assets for intelligence collection and analysis to identify and counter network activity and operations in Pakistan and Afghanistan relating to the development and use of improvised

explosive devices. (10 minutes)

7. Carney (DE): Would express the sense of Congress that railway transportation security has been and must continue to be a priority of the intelligence community in infrastructure threat assessment, namely through the coordination of the Office of Intelligence & Analysis. (10 minutes)
8. Cuellar (TX): Would require the National Security Strategy Report include outlining efficiencies, cost saving mechanism, and methods to streamline national defense, and homeland security intelligence capabilities. (10 minutes)
9. Keating (MA): Would include Sense of Congress language to encourage the Secretary of Homeland Security, in consultation with the Director of National Intelligence, to integrate the intelligence-sharing capabilities of fusion centers and leverage participation from all intelligence, law enforcement and homeland security agencies to prevent acts of terrorism against the United States in a manner consistent with the Constitution. (10 minutes)

A—TEXT OF AMENDMENTS IN PART A MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KLINE OF MINNESOTA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 2218, AS REPORTED
OFFERED BY MR. KLINE OF MINNESOTA**

Page 4, beginning on line 6, strike “English language learners” and insert “limited English proficient students”.

Page 5, line 19, insert “or subpart 2” after “this subpart”.

Page 7, line 16, insert “GRANT NUMBER AND AMOUNT;” after “REVIEW;”.

Page 7, line 17, insert “; WAIVERS” after “PROJECTS”.

Page 8, after line 6, insert the following:

1 “(3) GRANT NUMBER AND AMOUNT.—The Sec-
2 retary shall ensure that the number of grants award-
3 ed under this section and the award amounts will
4 allow for a sufficient number of new grants to be
5 awarded under this section for each succeeding fiscal
6 year.”.

Page 8, line 7, redesignate paragraph (3) as paragraph (4).

Page 8, after line 15, insert the following:

1 “(5) WAIVERS.—The Secretary may waive any
2 statutory or regulatory requirement over which the
3 Secretary exercises administrative authority except
4 any such requirement relating to the elements of a
5 charter school described in section 5210(1), if—
6 “(A) the waiver is requested in an ap-
7 proved application under this section; and
8 “(B) the Secretary determines that grant-
9 ing such a waiver will promote the purpose of
10 this subpart.”.

Page 11, line 16, strike “English language learners”
and insert “limited English proficient students”.

Page 12, line 5, strike “expanding” and insert “the
expansion of”.

Page 12, line 7, insert “of” before “how”.

Page 12, line 17, strike “and”.

Page 13, after line 2, insert the following:

11 “(III) a description of how the el-
12 igible applicant will solicit and con-
13 sider input from parents and other
14 members of the community on the im-
15 plementation and operation of each

1 charter school receiving funds under
2 the entity's program; and"

Page 13, line 4, strike "and".

Page 13, line 9, strike the period and insert "; and".

Page 13, after line 9, insert the following:

3 "(E) of how the entity will help the charter
4 schools receiving funds under the entity's pro-
5 gram consider the transportation needs of the
6 schools' students; and
7 "(F) of how the entity will support diverse
8 charter school models, including models that
9 serve rural communities."

Page 13, line 22, strike "the charter school" and in-
sert "each charter school".

Page 14, line 1, strike "and".

Page 14, line 2, insert before the semicolon, ", the
Age Discrimination Act of 1975, and title IX of the Edu-
cation Amendments of 1972".

Page 14, beginning on line 3, strike "the schools"
and insert "each charter school".

Page 14, beginning on line 6, strike “English language learners” and insert “limited English proficient students”.

Page 14, line 7, insert “and” after the semicolon.

Page 14, after line 7, insert the following:

1 “(iii) ensures that each charter school
2 solicits and considers input from parents
3 and other members of the community on
4 the implementation and operation of the
5 school;”.

Page 14, line 15, strike “English language learners” and insert “limited English proficient students”.

Page 14, beginning on line 22, amend clause (i) to read as follows:

6 “(i) assessing annual performance
7 data of the schools, including, as appropriate,
8 graduation rates and student
9 growth; and”.

Page 15, line 8, strike “and”.

Page 15, line 12, strike the period at the end and insert “; and”.

Page 15, after line 12, insert the following:

1 “(G) the entity will ensure that each char-
2 ter school in the State make publicly available,
3 consistent with the dissemination requirements
4 of the annual State report card, the information
5 parents need to make informed decisions about
6 the educational options available to their chil-
7 dren, including information on the educational
8 program, student support services, and annual
9 performance and enrollment data for the groups
10 of students described in section
11 1111(b)(2)(C)(v)(II).”.

Page 16, line 17, insert “proposed” before “num-
ber”.

Page 17, line 7, strike “and”.

page 17, line 10, strike the period at the end and
insert “; and”.

Page 17, insert after line 10, the following:

12 “(I) the entity’s plan to solicit and con-
13 sider input from parents and other members of
14 the community on the implementation and oper-
15 ation of the charter schools in the State.”.

Page 18, beginning on line 7, strike subparagraph
(D).

Page 18, line 9, redesignate subparagraph (E) as subparagraph (D).

Page 18, line 13, redesignate subparagraph (F) as subparagraph (E).

Page 18, line 18, redesignate subparagraph (G) as subparagraph (F).

Page 18, line 20, strike the comma after “factors”.

Page 19, line 2, strike “English language learners” and insert “limited English proficient students”.

Page 19, after line 2, insert the following:

- 1 “(G) The State entity supports charter
- 2 schools that support at-risk students through
- 3 activities such as dropout prevention or dropout
- 4 recovery.
- 5 “(H) The State entity authorizes all char-
- 6 ter schools in the State to serve as school food
- 7 authorities.”.

Page 19, line 12, insert “by each subgrant awarded under this section” after “number of students served”.

Page 19, line 14, strike “grant” and insert “subgrant”.

Page 20, line 10, strike “in which the subgrants were awarded” and insert “that received subgrants under this section”.

Page 20, line 23, strike “not less than 3 grants to eligible entities that have” and insert “grants to eligible entities that have the highest-quality”.

Page 20, line 24, after “subsection (d)” insert “, after considering the diversity of such applications,”

Page 21, beginning on line 11, amend subsection (b) to read as follows:

1 “(b) GRANTEE SELECTION.—The Secretary shall
2 evaluate each application submitted under subsection (d),
3 and shall determine whether the application is sufficient
4 to merit approval.”.

Page 26, beginning on line 2, strike “subsection” and insert “paragraph”.

Page 32, line 23, strike “To” and insert “Except as provided in clause (ii), to”.

Page 33, line 7, strike “A” and insert “Notwithstanding clause (i), a”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DAVIS
OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10
MINUTES

AMENDMENT TO H.R. 2218, AS REPORTED

OFFERED BY Ms. Davis of California

Page 3, line 17, redesignate paragraph (1) as paragraph (2), and insert the following:

1 “(1) improve the United States education sys-
2 tem and educational opportunities for all Americans
3 by supporting innovation in public education in pub-
4 lic school settings that prepare students to compete
5 and contribute to the global economy;”.

Page 3, line 20, redesignate paragraph (2) as paragraph (3).

Page 3, line 22, redesignate paragraph (3) as paragraph (4).

Page 4, line 1, redesignate paragraph (4) as paragraph (5).

Page 4, line 5, redesignate paragraph (5) as paragraph (6).

Page 4, line 10, redesignate paragraph (6) as paragraph (7).



3. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
PAULSEN OF MINNESOTA OR HIS DESIGNEE, DEBATABLE FOR
10 MINUTES**

**AMENDMENT TO H.R. 2218, AS REPORTED
OFFERED BY MR. PAULSEN OF MINNESOTA**

Page 8, line 22, after “period” insert “, unless the eligible applicant demonstrates to the State entity not less than 3 years of improved educational results in the areas described in subparagraphs (A) and (D) of section 5210(6) for students enrolled in such charter school”.



**AMENDMENT TO H.R. 2218, AS REPORTED
OFFERED BY MR. PAULSEN OF MINNESOTA**

Page 8, line 22, after “period” insert “, unless the eligible applicant demonstrates to the State entity not less than 3 years of improved educational results in the areas described in subparagraphs (A) and (D) of section 5210(6) for students enrolled in such charter school”.



4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LUJÁN
OF NEW MEXICO OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO H.R. 2218, AS REPORTED
OFFERED BY MR. LUJÁN OF NEW MEXICO**

Page 11, line 12, insert before the semicolon “, including, where appropriate, instruction and professional development in science, math, technology, and engineering education”.



5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POLIS
OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 2218, AS REPORTED
OFFERED BY MR. POLIS OF COLORADO**

Page 17, begining on line 14, strike subparagraph
(A), and insert the following:

1 “(A) In the case of a State entity located
2 in a State that allows an entity other than a
3 local educational agency to be an authorized
4 public chartering agency, the State has a qual-
5 ity authorized public chartering agency that is
6 an entity other than a local educational agen-
7 cy.”.



6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MOORE OF WISCONSIN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 2218, AS REPORTED
OFFERED BY MS. MOORE OF WISCONSIN**

Page 20, line 13, insert "or" after the semicolon.

Page 20, line 14, strike "; or" and insert a period.

Page 20, line 15, strike paragraph (3).



7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOLT
OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO H.R. 2218, AS REPORTED
OFFERED BY MR. HOLT OF NEW JERSEY**

Page 33, after line 19, insert the following:

- 1 “(6) PRIORITY.—In awarding grants under this
- 2 subsection, the Secretary is encouraged to give pri-
- 3 ority to States that encourage green school building
- 4 practices and certification.”.



8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KING
OF IOWA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Stew King

AMENDMENT TO H.R. 2218, AS REPORTED

OFFERED BY MR. KING OF IOWA

Page 36, line 22, insert “and” after the semicolon.

Page 37, line 2, strike “; and” and insert a period.

Page 37, beginning on line 3, strike subparagraph
(D).



B—TEXT OF AMENDMENTS IN PART B MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
ROGERS OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

AMENDMENT TO H.R. 1892
OFFERED BY MR. ROGERS OF MICHIGAN

Page 5, strike lines 9 through 14 and insert the following:

- 1 (3) LIMITS ON DISCLOSURE.—The President
2 shall not publicly disclose the classified Schedule of
3 Authorizations or any portion of such Schedule ex-
4 cept—
5 (A) as provided in section 601(a) of the
6 Implementing Recommendations of the 9/11
7 Commission Act of 2007 (50 U.S.C. 415c)
8 (B) to the extent necessary to implement
9 the budget; or
10 (C) as otherwise required by law.

Page 5, line 17, insert “the Director of” before “the Federal Bureau of Investigation”.

Strike section 307 (page 15, line 1 through page 16, line 18).

Strike section 309 (page 18, line 17 through page 19, line 16).

Page 24, after line 15 insert the following:

1 (d) DELEGATION.—The head of a covered agency
2 may not delegate the authority provided in subsection (b)
3 or the responsibility to make a determination under sub-
4 section (c) to an official below the level of the service ac-
5 quisition executive for the agency concerned.

At the end of subtitle A of title IV (page 30, after
line 18), add the following new section:

6 **SEC. 405. TEMPORARY APPOINTMENT TO FILL VACANCIES**
7 **WITHIN OFFICE OF THE DIRECTOR OF NA-**
8 **TIONAL INTELLIGENCE.**

9 Section 103 of the National Security Act of 1947 (50
10 U.S.C. 403–3) is amended—

11 (1) by redesignating subsection (e) as sub-
12 section (f); and

13 (2) by inserting after subsection (d) the fol-
14 lowing new subsection:

15 “(e) TEMPORARY FILLING OF VACANCIES.—With re-
16 spect to filling temporarily a vacancy in an office within
17 the Office of the Director of National Intelligence (other
18 than that of the Director of National Intelligence), section
19 3345(a)(3) of title 5, United States Code, may be ap-
20 plied—

21 “(1) in the matter preceding subparagraph (A),
22 by substituting ‘an element of the intelligence com-
23 munity, as that term is defined in section 3(4) of the

- 1 National Security Act of 1947 (50 U.S.C. 401a(4)),
- 2 for 'such Executive agency'; and
- 3 "(2) in subparagraph (A), by substituting 'the
- 4 intelligence community' for 'such agency'."

Strike section 421 (page 43, line 14 through page 45, line 9).



2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WOLF
OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

AMENDMENT TO H.R. 1892
OFFERED BY MR. WOLF OF VIRGINIA

At the end of title III, add the following:

1 **SEC. 312. ESTABLISHMENT OF COUNTERTERRORISM COM-**
2 **PETITIVE ANALYSIS COUNCIL.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 (1) terrorism and domestic radicalization rep-
6 resent evolving, dynamic, multidimensional threats
7 that necessitate a structured, iterative process to
8 continuously revise plans, operations, concepts, orga-
9 nizations, and capabilities; and

10 (2) past federal experience in competitive anal-
11 ysis executed by experts drawn from outside the gov-
12 ernment has helped the intelligence community and
13 policymakers better understand the nature of com-
14 plex threats to the United States.

15 (b) ESTABLISHMENT.—Title I of the National Secu-
16 rity Act of 1947 (50 U.S.C. 401 et. seq.) is amended by
17 adding at the end the following:

18 “COUNTERTERRORISM COMPETITIVE ANALYSIS COUNCIL

19 “SEC. 120. (a) ESTABLISHMENT.—There is estab-
20 lished a council to be known as the ‘Counterterrorism

1 Competitive Analysis Council' (in this section referred to
2 as the 'Council').

3 “(b) DUTIES.—The Council shall—

4 “(1) advise the Director of National Intelligence
5 on matters of policy relating to the threats of inter-
6 national terrorism and domestic radicalization based
7 on all-source information;

8 “(2) prepare a competitive analysis of each na-
9 tional intelligence estimate concerning al-Qaeda and
10 other foreign terrorist organizations and submit
11 such analysis to the Director of National Intelligence
12 and the National Intelligence Council; and

13 “(3) annually submit to Congress a report in
14 unclassified form, which may include a classified
15 annex, on trends in counterterrorism and domestic
16 radicalization, including a summary of any competi-
17 tive analysis prepared pursuant to paragraph (2).

18 “(c) MEMBERS.—(1) The Council shall be composed
19 of eight members appointed by the Director of National
20 Intelligence, in consultation with the Permanent Select
21 Committee on Intelligence of the House of Representatives
22 and the Select Committee on Intelligence of the Senate.
23 Members shall be selected on the basis of previous experi-
24 ence with matters of policy relating to international ter-
25 rorism and domestic radicalization.

1 “(2)(A) The Director of National Intelligence may
2 not appoint an individual to the Council if such individual
3 has served as an officer or employee of the Federal Gov-
4 ernment within a five-year period of the date of appoint-
5 ment.

6 “(B) The Director of National Intelligence may not
7 appoint an individual to the Council if—

8 “(i) such individual has served as an officer or
9 employee of the Federal Government within a 15-
10 year period of the date of appointment; and

11 “(ii) on the date of appointment, three of the
12 members of the Council have served as officers or
13 employees of the Federal Government within a 15-
14 year period of the date of appointment.

15 “(3) The term of a member is five years, and a mem-
16 ber may not serve more than two terms, except that a
17 member appointed to fill a vacancy may serve two addi-
18 tional terms after the expiration of the term in which that
19 vacancy occurred.

20 “(4) Any member appointed to fill a vacancy occur-
21 ring before the expiration of a term shall be appointed
22 for the remainder of that term.

23 “(5) Every two years, the Council shall select a chair
24 and vice chair from among its members.

1 “(6) To the extent provided in advance in appropria-
2 tion Acts, each member shall be paid at a rate not to ex-
3 ceed the annual rate of basic pay for level V of the Execu-
4 tive Schedule under section 5316 of title 5, United States
5 Code.

6 “(7) Any member of the Council may, if authorized
7 by the Council, take any action which the Council is au-
8 thorized to take by this section.

9 “(d) STAFF OF COUNCIL.—(1) To the extent pro-
10 vided in advance in appropriation Acts, the Council shall
11 appoint and fix the compensation of a Director and such
12 additional staff as may be necessary to enable the Council
13 to carry out its duties.

14 “(2) The Director and staff of the Council may be
15 appointed without regard to the provisions of title 5,
16 United States Code, governing appointments in the com-
17 petitive service, and may be paid without regard to the
18 provisions of chapter 51 and subchapter III of chapter 53
19 of that title relating to classification and General Schedule
20 pay rates, except that the rate of pay fixed for the Director
21 and staff may not exceed the annual rate of basic pay for
22 level V of the Executive Schedule under section 5316 of
23 title 5, United States Code.

24 “(3) In accordance with rules adopted by the Council,
25 and to the extent provided in advance in appropriation

1 Acts, the Council may procure the services of experts and
2 consultants under section 3109(b) of title 5, United States
3 Code, but at rates for individuals not to exceed the daily
4 equivalent of the annual rate of basic pay for level V of
5 the Executive Schedule under section 5316 of title 5,
6 United States Code.

7 “(e) ACCESS TO INTELLIGENCE INFORMATION.—(1)
8 The Director of National Intelligence shall transmit to the
9 Council each national intelligence estimate concerning al-
10 Qaeda and other foreign terrorist organizations.

11 “(2) Upon request of the Council, the Director of Na-
12 tional Intelligence shall make available to the Council any
13 intelligence information in the possession of the intel-
14 ligence community.

15 “(3) The Director of National Intelligence shall en-
16 sure that the appropriate executive departments and agen-
17 cies cooperate with the Council in expeditiously providing
18 to the members and staff appropriate security clearances
19 in a manner consistent with existing procedures and re-
20 quirements.

21 “(f) APPLICABILITY OF FEDERAL ADVISORY COM-
22 MITTEE ACT.—Section 14(a)(2)(B) of the Federal Advi-
23 sory Committee Act (5 U.S.C. App.), relating to the termi-
24 nation of advisory committees, shall not apply to the
25 Council.

1 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section
3 \$5,000,000 for each of fiscal years 2012 through 2017.
4 No amount is authorized to carry out this section for a
5 fiscal year unless the appropriation for the Office of the
6 Director of National Intelligence for such fiscal year is re-
7 duced by an amount equal to the amount appropriated to
8 carry out this section for such fiscal year”.

9 (c) INITIAL REPORT.—The initial report required to
10 be submitted under section 120(b)(2) of the National Se-
11 curity Act of 1947, as added by subsection (a), shall be
12 filed not later than 1 year after the date of the enactment
13 of this Act.

14 (d) CLERICAL AMENDMENT.—The table of contents
15 of the National Security Act of 1947 (50 U.S.C. 401 et.
16 seq.) is amended by inserting after the item relating to
17 section 119B the following:

“Sec. 120. Counterterrorism Competitive Analysis Council.”.



3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
HINCHEY OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

AMENDMENT TO H.R. 1892
OFFERED BY MR. HINCHEY OF NEW YORK

At the end of title III (page 26, after line 6), add
the following new section:

1 **SEC. 312. REPORT ON ACTIVITIES OF THE INTELLIGENCE**
2 **COMMUNITY IN ARGENTINA.**

3 (a) IN GENERAL.—Not later than 270 days after the
4 date of the enactment of this Act, the Director of National
5 Intelligence shall submit to the appropriate congressional
6 committees a report containing the following:

7 (1) A description of any information in the pos-
8 session of the intelligence community with respect to
9 the following events in the Republic of Argentina:

10 (A) The accession to power by the military
11 of the Republic of Argentina in 1976.

12 (B) Violations of human rights committed
13 by officers or agents of the Argentine military
14 and security forces during counterinsurgency or
15 counterterror operations, including by the State
16 Intelligence Secretariat (Secretaria de
17 Inteligencia del Estado), Military Intelligence
18 Detachment 141 (Destacamento de Inteligencia
19 Militar 141 in Cordoba), Military Intelligence

1 Detachment 121 (Destacamento Militar 121 in
2 Rosario), Army Intelligence Battalion 601, the
3 Army Reunion Center (Reunion Central del
4 Ejercito), and the Army First Corps in Buenos
5 Aires.

6 (C) Operation Condor and Argentina's role
7 in cross-border counterinsurgency or counter-
8 terror operations with Brazil, Bolivia, Chile,
9 Paraguay, or Uruguay.

10 (2) Information on abductions, torture, dis-
11 appearances, and executions by security forces and
12 other forms of repression, including the fate of Ar-
13 gentine children born in captivity, that took place at
14 detention centers, including the following:

15 (A) The Argentine Navy Mechanical
16 School (Escuela Mecanica de la Armada).

17 (B) Automotores Orletti.

18 (C) Operaciones Tacticas 18.

19 (D) La Perla.

20 (E) Campo de Mayo.

21 (F) Institutos Militares.

22 (3) An appendix of declassified records reviewed
23 and used for the report submitted under this sub-
24 section.

1 (4) A descriptive index of information referred
2 to in paragraph (1) or (2) that is classified, includ-
3 ing the identity of each document that is classified,
4 the reason for continuing the classification of such
5 document, and an explanation of how the release of
6 the document would damage the national security in-
7 terests of the United States.

8 (b) REVIEW OF CLASSIFIED DOCUMENTS.—Not later
9 than two years after the date on which the report required
10 under subsection (a) is submitted, the Director of National
11 Intelligence shall review information referred to in para-
12 graph (1) or (2) of subsection (a) that is classified to de-
13 termine if any of such information should be declassified.

14 (c) FORM.—The report required under subsection (a)
15 shall be submitted in unclassified form, but may include
16 a classified annex.

17 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
18 DEFINED.—In this section, the term “appropriate con-
19 gressional committees” means the Permanent Select Com-
20 mittee on Intelligence and the Committee on Appropria-
21 tions of the House of Representatives and the Select Com-
22 mittee on Intelligence and the Committee on Appropria-
23 tions of the Senate.



4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
CUELLAR OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

AMENDMENT TO H.R. 1892**OFFERED BY MR. CUELLAR OF TEXAS**

At the end of title III, add the following new section:

1 **SEC. 312. REPORT ON SECURITY RISK FOR CLASSIFIED**
2 **DOCUMENTS.**

3 (a) REPORT.—Not later than one year after the date
4 of the enactment of this Act, the head of each element
5 of the intelligence community shall submit to Congress a
6 report on the potential security risks associated with com-
7 puter hardware acquired for use with classified informa-
8 tion, including recommendations of what steps need to be
9 taken to ensure such computer hardware will not be used
10 to disclose classified information to an unauthorized per-
11 son.

12 (b) TESTING REQUIRED.—The head of each element
13 of the intelligence community shall, before using any com-
14 puter hardware acquired for use with classified informa-
15 tion, test such hardware to ensure such hardware provides
16 for the proper security of classified information.



5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOLT
OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

AMENDMENT TO H.R. 1892
OFFERED BY MR. HOLT OF NEW JERSEY

At the end of subtitle A of title IV, add the following
new section:

1 **SEC. 405. NATIONAL INTELLIGENCE ESTIMATE ON THE IM-**
2 **PACT OF REVOLUTIONS IN NORTH AFRICA**
3 **AND THE MIDDLE EAST.**

4 Not later than 180 days after the date of the enact-
5 ment of this Act, the Director of National Intelligence
6 shall submit to Congress a national intelligence estimate
7 on the impact of the recent revolutions in North Africa
8 and the Middle East on the security of the State of Israel.



6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
HUNTER OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR
10 MINUTES



AMENDMENT TO H.R. 1892
OFFERED BY MR. HUNTER OF CALIFORNIA

After section 501 (page 51, after line 18), insert the following new section:

1 **SEC. 502. STRATEGY TO COUNTER IMPROVISED EXPLOSIVE**
2 **DEVICES.**

3 (a) STRATEGY.—

4 (1) ESTABLISHMENT.—The Director of Na-
5 tional Intelligence and the Secretary of Defense shall
6 establish a coordinated strategy utilizing all available
7 personnel and assets for intelligence collection and
8 analysis to identify and counter network activity and
9 operations in Pakistan and Afghanistan relating to
10 the development and use of improvised explosive de-
11 vices.

12 (2) CONTENTS.—The strategy established
13 under paragraph (1) shall identify—

14 (A) the networks that design improvised
15 explosive devices, provide training on impro-
16 vised explosive device assembly and employ-
17 ment, and smuggle improvised explosive device
18 components into Afghanistan;

1 (B) the persons and organizations not di-
2 rectly affiliated with insurgents in Afghanistan
3 who knowingly enable the movement of com-
4 mercial products and material used in impro-
5 vised explosive device construction from fac-
6 tories and vendors in Pakistan into Afghani-
7 stan;

8 (C) the financiers, financial networks, in-
9 stitutions, and funding streams that provide re-
10 sources to the insurgency in Afghanistan; and

11 (D) the links to military, intelligence serv-
12 ices, and government officials who are complicit
13 in allowing the insurgent networks in Afghani-
14 stan to operate.

15 (b) REPORT AND IMPLEMENTATION.—Not later than
16 120 days after the date of the enactment of this Act, the
17 Director of National Intelligence and the Secretary of De-
18 fense shall—

19 (1) submit to the congressional intelligence
20 committees and the Committees on Armed Services
21 of the House of Representatives and the Senate a
22 report containing the strategy established under sub-
23 section (a); and

24 (2) implement such strategy.



7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
CARNEY OF DELAWARE OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

John C. Carney

AMENDMENT TO H.R. 1892

OFFERED BY MR. CARNEY OF DELAWARE

Insert after section 501 the following new section:

1 **SEC. 502. SENSE OF CONGRESS REGARDING THE PRIORITY**
2 **OF RAILWAY TRANSPORTATION SECURITY.**

3 It is the sense of Congress that—

4 (1) the nation's railway transportation (includ-
5 ing subway transit) network is broad and technically
6 complex, requiring robust communication between
7 private sector stakeholders and the intelligence com-
8 munity to identify, monitor, and respond to threats;
9 (2) the Department of Homeland Security Of-
10 fice of Intelligence and Analysis maintains a con-
11 structive relationship with other Federal agencies,
12 state and local governments, and private entities to
13 safeguard our railways; and

14 (3) railway transportation security (including
15 subway transit security) should continue to be
16 prioritized in the critical infrastructure threat as-
17 sessment developed by the Office of Intelligence and
18 Analysis and included in threat assessment budgets
19 of the intelligence community.



8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUELLAR OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

#4 R

AMENDMENT TO H.R. 1892
OFFERED BY MR. CUELLAR OF TEXAS

Insert after section 501 (page 51, after line 18) the
following new section:

1 **SEC. 502. INCLUSION OF EFFICIENCIES AND COST SAVINGS**
2 **IN ANNUAL NATIONAL SECURITY STRATEGY**
3 **REPORT.**

4 Section 108(b) of the National Security Act of 1947
5 (50 U.S.C. 404a(b)) is amended by adding at the end the
6 following new paragraph:

7 “(6) Efficiencies, cost saving mechanisms, and
8 methods to streamline national, defense, and home-
9 land security intelligence capabilities.”.



9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
KEATING OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

AMENDMENT TO H.R. 1892
OFFERED BY MR. KEATING OF MASSACHUSETTS

After section 501 (page 51, after line 18), insert the following new section:

1 SEC. 502. SENSE OF CONGRESS REGARDING INTEGRATION
2 OF FUSION CENTERS.

3 It is the sense of Congress that ten years after the
4 terrorist attacks upon the United States on September 11,
5 2001, the Secretary of Homeland Security, in consultation
6 with the Director of National Intelligence, should continue
7 to integrate and leverage fusion centers to enlist all of the
8 intelligence, law enforcement, and homeland security capa-
9 bilities of the United States in a manner that is consistent
10 with the Constitution to prevent acts of terrorism against
11 the United States.

